

SPECIAL WARRANTY DEED

THIS DEED, made this ____ day of _____, 2010 between the Town of Frederick, a Colorado municipal corporation, whose legal address is 401 Locust, Frederick, of the County of Weld, State of Colorado 80530, Grantor, and the St. Vrain Valley School District RE-1J, a political subdivision of the State of Colorado, whose legal address is 395 S. Pratt Parkway, Longmont, of the County of Boulder, State of Colorado 80501, Grantee:

WITNESSETH, that Grantor, for and in consideration of the following:

- the sum of TEN DOLLARS (\$10.00) the receipt and sufficiency of which is hereby acknowledged, and
- Grantee's pledge to apply any cash-in-lieu monies collected from residential lots in the Miner's Village Subdivision (the Subdivision), pursuant to the *Intergovernmental Agreement Concerning Fair Contributions for Public School sites Between the Town of Frederick and the St. Vrain Valley School District RE-1J*, in excess of the costs and expense of land acquisition, construction and related improvements for an elementary school within the Subdivision, toward the costs of infrastructure on or adjacent to the high school site to be constructed in part on the parcel conveyed herein

has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, its heirs and assigns, forever, all the real property, together with improvements, if any, situate, lying and being in the County of Weld, State of Colorado, described as follows:

**Lot [...] Miner's Village, Filing 1, Final Plat,
Town of Frederick, County of Weld, State of Colorado**

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee, its heirs and assigns forever. The Grantor for itself, its heirs and personal representatives or successors, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor. Any and all reservations and/or terms of reversion or reverter contained in any deed held by Grantor

from a preceding title holder in regards to timelines for development of school-related uses on the subject parcel shall also bind Grantee and the failure of Grantee to so develop the subject parcel within such timelines and for such prescribed uses, resulting in reversion, shall not be cause for Grantee to maintain a cause of action against Grantor for breach of the warranty or title conveyed herein. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

TOWN OF FREDERICK, COLORADO

Eric E. Doering, Mayor

ATTEST:

Nanette S. Fornoff, Town Clerk

STATE OF COLORADO)

) ss.

COUNTY OF WELD)

The foregoing Special Warranty Deed was acknowledged before me this _____ day of _____, 2010, by Eric E. Doering, as Mayor, and Nanette S. Fornof, as Town Clerk, of the Town of Frederick, Colorado.

My commission expires:

Witness my hand and official seal.

Notary Public